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2D SESSION

S. 2902

To ensure an abundant and affordable supply of highly nutritious fruits, vegetables, and other specialty crops for American consumers and international markets by enhancing the competitiveness of United States-grown specialty crops.

IN THE SENATE OF THE UNITED STATES

OCTOBER 6, 2004

Mr. CRAIG (for himself, Ms. STABENOW, and Mr. WYDEN) introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

A BILL

To ensure an abundant and affordable supply of highly nutritious fruits, vegetables, and other specialty crops for American consumers and international markets by enhancing the competitiveness of United States-grown specialty crops.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Specialty Crops Competitiveness Act of 2004”.

6 (b) TABLE OF CONTENTS.—The table of contents for
7 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Findings and purpose.
- Sec. 3. Definitions.

TITLE I—MARKETING

- Sec. 101. Implementation of food safety programs under marketing orders.
- Sec. 102. Increase in maximum amount of assistance authorized under tree assistance program.
- Sec. 103. Maintenance of Fredericksburg Inspection Training Center.

TITLE II—SPECIALTY CROP GRANTS AND LOANS

- Sec. 201. Grants to States to enhance competitiveness of specialty crops.
- Sec. 202. Operating loans.
- Sec. 203. Increased purchases of fruits, vegetables, and specialty crops.

TITLE III—INTERNATIONAL TRADE

- Sec. 301. Foreign market access study and strategy plan.
- Sec. 302. Technical assistance for specialty crops.
- Sec. 303. Animal and plant health inspection service.
- Sec. 304. Foreign development assistance.
- Sec. 305. Protection of intellectual property rights in plants and plant-derived material.
- Sec. 306. Plant patents.

TITLE IV—SPECIALTY CROP RESEARCH AND GRANTS

- Sec. 401. Transfer of administration and funding of Office of Pest Management Policy.
- Sec. 402. Additional research initiatives.
- Sec. 403. National specialty crops development initiative grant program.

TITLE V—INVASIVE PEST RESEARCH AND DISEASE RESPONSE

- Sec. 501. Foreign invasive pests and diseases.
- Sec. 502. Emergency response fund.
- Sec. 503. Independent scientific advice for Animal and Plant Health Inspection Service.
- Sec. 504. Food safety initiatives.

TITLE VI—CONSERVATION

- Sec. 601. Elimination of limitation on adjusted gross income from eligibility requirements for environmental quality incentives program.
- Sec. 602. Sustainability practices.

1 **SEC. 2. FINDINGS AND PURPOSE.**

2 (a) FINDINGS.—Congress finds that—

3 (1) a secure domestic food supply is a national
4 security imperative for the United States;

1 (2) a competitive specialty crop industry in the
2 United States is necessary for the production of an
3 abundant, affordable supply of highly nutritious
4 fruits, vegetables, and other specialty crops, which
5 are vital to the health and well-being of all Ameri-
6 cans;

7 (3) increased consumption of specialty crops
8 will provide tremendous health and economic bene-
9 fits to both consumers and specialty crop growers;

10 (4) specialty crop growers believe that there are
11 numerous areas of Federal agriculture policy that
12 could be improved to promote increased consumption
13 of specialty crops and increase the competitiveness
14 of producers in the efficient production of affordable
15 specialty crops in the United States;

16 (5) as the globalization of markets continues, it
17 is becoming increasingly difficult for United States
18 producers to compete against heavily subsidized for-
19 eign producers in both the domestic and foreign
20 markets; and

21 (6) United States specialty crop producers con-
22 tinue to face serious tariff and non-tariff trade bar-
23 riers in many export markets.

24 (b) PURPOSE.—It is the purpose of this Act to make
25 necessary changes in and additions to Federal agricultural

1 policy to accomplish the goals of increasing specialty crop
2 consumption and improving the competitiveness of United
3 States specialty crop producers.

4 **SEC. 3. DEFINITIONS.**

5 In this Act:

6 (1) SECRETARY.—The term “Secretary” means
7 the Secretary of Agriculture.

8 (2) SPECIALTY CROP.—

9 (A) IN GENERAL.—The term “specialty
10 crop” means each agricultural crop produced in
11 the United States.

12 (B) EXCLUSIONS.—The term “specialty
13 crop” does not include wheat, feed grains, oil-
14 seeds, cotton, rice, peanuts, sugar, and tobacco.

15 (3) STATE.—The term “State” means—

16 (A) each of the several States of the
17 United States;

18 (B) the Commonwealth of Puerto Rico;

19 (C) Guam;

20 (D) American Samoa; and

21 (E) the United States Virgin Islands.

22 (4) STATE DEPARTMENT OF AGRICULTURE.—

23 The term “State department of agriculture” means
24 the agency, commission, or department of a State

1 government responsible for protecting and promoting
2 agriculture in the State.

3 **TITLE I—MARKETING**

4 **SEC. 101. IMPLEMENTATION OF FOOD SAFETY PROGRAMS** 5 **UNDER MARKETING ORDERS.**

6 Section 8c(7) of the Agricultural Adjustment Act (7
7 U.S.C. 608c(7)), reenacted with amendments by the Agri-
8 cultural Marketing Agreement Act of 1937, is amended—
9 (1) by redesignating subparagraphs (C) and
10 (D) as subparagraph (D) and (E), respectively; and
11 (2) by inserting after subparagraph (B) the fol-
12 lowing new subparagraph (C):

13 “(C) In the case of an order relating to a specialty
14 crop (as defined in section 3 of the Specialty Crops Com-
15 petitiveness Act of 2004), authorizing the implementation
16 of food safety programs, such as good agricultural and
17 manufacturing practices, ISO 9000 standards, and Haz-
18 ard Analysis of Critical Control Points programs, designed
19 to enhance the safety of the specialty crop and products
20 derived from specialty crops.”.

1 **SEC. 102. INCREASE IN MAXIMUM AMOUNT OF ASSISTANCE**
 2 **AUTHORIZED UNDER TREE ASSISTANCE PRO-**
 3 **GRAM.**

4 Section 10204(a) of the Farm Security and Rural In-
 5 vestment Act of 2002 (7 U.S.C. 8204(a)) is amended by
 6 striking “\$75,000” and inserting “\$150,000”.

7 **SEC. 103. MAINTENANCE OF FREDERICKSBURG INSPEC-**
 8 **TION TRAINING CENTER.**

9 There is authorized to be appropriated to the Sec-
 10 retary to maintain the Agricultural Marketing Service in-
 11 spection training center in Fredericksburg, Virginia,
 12 \$1,500,000 for each fiscal year.

13 **TITLE II—SPECIALTY CROP**
 14 **GRANTS AND LOANS**

15 **SEC. 201. GRANTS TO STATES TO ENHANCE COMPETITIVE-**
 16 **NESS OF SPECIALTY CROPS.**

17 (a) AVAILABILITY AND PURPOSE OF GRANTS.—

18 (1) IN GENERAL.—For each of fiscal years
 19 2005 through 2008, the Secretary shall make a
 20 grant under this section to each State that submits
 21 an application for a grant for that fiscal year in ac-
 22 cordance with the terms and conditions established
 23 under paragraph (4).

24 (2) USE OF GRANT FUNDS.—The grant funds
 25 shall be used by the State department of agriculture

1 solely to enhance the competitiveness of United
2 States specialty crops.

3 (3) MAINTENANCE OF EFFORT.—The State
4 shall provide assurances to the Secretary that funds
5 provided to the State under this section will be used
6 only to supplement, not to supplant, the amount of
7 Federal, State, and local funds otherwise expended
8 in support of specialty crops and specialty crop pro-
9 ducers in the State.

10 (4) TERMS AND CONDITIONS.—Not later than
11 180 days after the date of enactment of this Act for
12 fiscal year 2005 and before commencement of each
13 of fiscal years 2006 through 2008, the Secretary
14 shall establish terms and conditions for the submis-
15 sion of grant applications for that fiscal year.

16 (b) AMOUNT.—

17 (1) IN GENERAL.—Subject to paragraph (2),
18 the amount of the grant for a fiscal year to a State
19 under this section shall bear the same ratio to the
20 total amount made available under subsection (e) for
21 that fiscal year as—

22 (A) the value of specialty crop production
23 in the State during the preceding calendar year;
24 bears to

1 (B) the value of specialty crop production
2 during that calendar year in all those States
3 submitting applications for a grant for that fis-
4 cal year.

5 (2) MINIMUM GRANT AMOUNT.—At a minimum,
6 each eligible State shall receive \$2,000,000 per fiscal
7 year as a grant under this section.

8 (c) GRANT EXPENDITURE PRIORITIES.—

9 (1) IN GENERAL.—It is the intent of Congress
10 that specialty crop producers, organizations, and
11 commissions should primarily benefit from the dis-
12 position of grant funds under this section.

13 (2) ELIGIBILITY.—To be eligible to receive a
14 grant under this section, a State department of agri-
15 culture shall conduct at least 1 public hearing, or
16 provide some other method for public comment, to
17 obtain the advice and opinion of specialty crop pro-
18 ducers, organizations, and commissions in the State
19 regarding the use of grant funds.

20 (3) CONSIDERATION.—The Secretary shall en-
21 sure that a State department of agriculture con-
22 siders the advice and opinions received under para-
23 graph (2) when making decisions about the use of
24 grant funds.

1 (d) USE OF COMMODITY CREDIT CORPORATION.—
 2 The Secretary shall use \$470,000,000 of funds of the
 3 Commodity Credit Corporation during each of fiscal years
 4 2005 through 2008 to carry out this section.

5 **SEC. 202. OPERATING LOANS.**

6 Section 313(a)(1) of the Consolidated Farm and
 7 Rural Development Act (7 U.S.C. 1943(a)(1)) is amend-
 8 ed—

9 (1) by inserting “(or, if the borrower is a pro-
 10 ducer of a specialty crop (as defined in section 3 of
 11 the Specialty Crops Competitiveness Act of 2004),
 12 \$500,000)” after “\$200,000”; and

13 (2) by inserting “(or, if the borrower is a pro-
 14 ducer of a specialty crop (as so defined),
 15 \$1,500,000)” after “\$700,000”.

16 **SEC. 203. INCREASED PURCHASES OF FRUITS, VEGETA-**
 17 **BLES, AND SPECIALTY CROPS.**

18 Section 10603(a) of the Farm Security and Rural In-
 19 vestment Act of 2002 (7 U.S.C. 612c–4(a)) is amended—

20 (1) by striking “Of the funds” and inserting
 21 the following:

22 “(1) IN GENERAL.—Of the funds”;

23 (2) in paragraph (1) (as designated by para-
 24 graph (1)), by striking “shall use not” and inserting

1 “shall use, in addition to an amount equal to the
2 amount used for fiscal year 2001, not”; and

3 (3) by adding at the end the following:

4 “(2) NO EFFECT ON OTHER PURCHASES.—The
5 purchase of additional fruits, vegetables, and other
6 specialty food crops under paragraph (1) shall not
7 decrease, displace, or otherwise affect any purchase
8 by the Secretary or any agency or entity of fruits,
9 vegetables, or other commodities.”.

10 **TITLE III—INTERNATIONAL** 11 **TRADE**

12 **SEC. 301. FOREIGN MARKET ACCESS STUDY AND STRATEGY** 13 **PLAN.**

14 (a) DEFINITION OF URUGUAY ROUND AGREE-
15 MENTS.—In this section, the term “Uruguay Round
16 Agreements” includes any agreement described in section
17 101(d) of the Uruguay Round Agreements Act (19 U.S.C.
18 3511(d)).

19 (b) STUDY.—The Comptroller General of the United
20 States shall study—

21 (1) the extent to which United States specialty
22 crops have or have not benefited from any reduc-
23 tions of foreign trade barriers, as provided for in the
24 Uruguay Round Agreements; and

1 (2) the reasons why United States specialty
2 crops have or have not benefited from such trade-
3 barrier reductions.

4 (c) STRATEGY PLAN.—The Secretary shall prepare
5 a foreign market access strategy plan based on the study
6 in subsection (b), to increase exports of specialty crops,
7 including an assessment of the foreign trade barriers that
8 are incompatible with the Uruguay Round Agreements
9 and a strategy for removing those barriers.

10 (d) REPORT.—Not later than 1 year after the date
11 of enactment of this Act—

12 (1) the Comptroller General shall submit to
13 Congress a report that contains the results of the
14 study; and

15 (2) the Secretary shall submit to Congress the
16 strategy plan.

17 **SEC. 302. TECHNICAL ASSISTANCE FOR SPECIALTY CROPS.**

18 Section 3205(d) of the Farm Security and Rural In-
19 vestment Act of 2002 (7 U.S.C. 5680(d)) is amended—

20 (1) by striking “2002” and inserting “2005”;
21 and

22 (2) by striking “\$2,000,000” and inserting
23 “\$10,000,000”.

1 **SEC. 303. ANIMAL AND PLANT HEALTH INSPECTION SERV-**
2 **ICE.**

3 (a) IN GENERAL.—The Secretary shall establish in
4 the Animal and Plant Health Inspection Service of the De-
5 partment of Agriculture, the Sanitary and Phytosanitary
6 Export Petition Division for the sole purpose of processing
7 petitions that are submitted to that Service for reducing
8 sanitary and phytosanitary trade barriers in export mar-
9 kets.

10 (b) STAFF AND SUPPORT.—The Division shall be
11 adequately staffed and supported by resources necessary
12 to manage the work associated with petitions described in
13 subsection (a).

14 (c) ELIMINATION OF BACKLOG.—Not later than 5
15 years after the date of enactment of this Act, the Sec-
16 retary shall eliminate the backlog of the petitions in exist-
17 ence on the date of enactment of this Act.

18 **SEC. 304. FOREIGN DEVELOPMENT ASSISTANCE.**

19 (a) STUDY.—The Secretary shall direct the Foreign
20 Agricultural Service of the Department of Agriculture, in
21 consultation with the Economic Research Service of the
22 Department and the Agency for International Develop-
23 ment, to evaluate how the United States Government can
24 best assist the economic development of developing coun-
25 tries without causing harm to the United States specialty
26 crop industry.

1 (b) REPORT.—Not later than 1 year after the date
2 of enactment of this Act, the Secretary shall submit to
3 Congress a report that contains the results of the evalua-
4 tion.

5 **SEC. 305. PROTECTION OF INTELLECTUAL PROPERTY**
6 **RIGHTS IN PLANTS AND PLANT-DERIVED MA-**
7 **TERIAL.**

8 (a) ESTABLISHMENT.—The Secretary shall establish
9 an office in the Department of Agriculture for the sole
10 purpose of encouraging the development and protection of
11 intellectual property rights in plants and material derived
12 from plants.

13 (b) DUTIES.—The office shall be an advocate for the
14 interests of United States producers of specialty crops—

15 (1) before the Office of Patents, Trademarks,
16 and Copyrights of the Department of Commerce and
17 other Federal agencies; and

18 (2) in international governmental and non-
19 governmental organizations dealing with intellectual
20 property rights.

21 **SEC. 306. PLANT PATENTS.**

22 (a) ESSENTIALLY DERIVED PLANT.—Section 100 of
23 title 35, United States Code, is amended by adding at the
24 end the following:

1 “(f) The term ‘essentially derived plant’ means a
2 plant that—

3 “(1) is predominantly derived from another
4 plant (referred to in this paragraph as the ‘initial
5 plant’) or from a plant that is predominantly derived
6 from the initial plant, while retaining the expression
7 of the essential characteristics that result from the
8 genotype of the initial plant;

9 “(2) is clearly distinguishable from the initial
10 plant; and

11 “(3) except for differences that result from the
12 act of derivation, conforms to the initial plant in the
13 expression of the essential characteristics that result
14 from the genotype of the initial plant.”.

15 (b) NOVELTY.—Section 162 of title 35, United States
16 Code, is amended—

17 (1) by striking the section heading and insert-
18 ing the following:

19 “§ 162. **Description, claim, novelty**”;

20 (2) in the first undesignated paragraph, by
21 striking “No plant” and inserting the following:

22 “(a) DESCRIPTION.—No plant”;

23 (3) in the second undesignated paragraph, by
24 striking “The claim” and inserting the following:

25 “(b) CLAIM.—The claim”; and

1 (4) by adding at the end the following:

2 “(c) NOVELTY.—

3 “(1) IN GENERAL.—Except as provided in para-
4 graph (2), no plant patent application shall be de-
5 nied, nor shall any issued plant patent be invali-
6 dated, on the grounds that the invention was sold or
7 otherwise disposed of.

8 “(2) EXCEPTIONS.—Paragraph (1) shall not
9 apply if—

10 “(A) more than 1 year prior to the date of
11 the application for patent in the United States,
12 the invention was sold or otherwise disposed of
13 to other persons in the United States, by or
14 with the consent of the inventor or discoverer,
15 or the successor in interest of the inventor or
16 discoverer, for purposes of exploitation of the
17 invention;

18 “(B) more than 4 years prior to the date
19 of the application for patent in the United
20 States, the invention was sold or otherwise dis-
21 posed of to other persons in a foreign country,
22 by or with the consent of the inventor or discov-
23 erer, or the successor in interest of the inventor
24 or discoverer, for purposes of exploitation of the
25 invention; or

1 “(C) more than 6 years prior to the date
 2 of the application for patent in the United
 3 States, in the case of a tree or vine, the inven-
 4 tion was sold or otherwise disposed of to other
 5 persons in a foreign country, by or with the
 6 consent of the inventor or discoverer, or the
 7 successor in interest of the inventor or discov-
 8 erer, for purposes of exploitation of the inven-
 9 tion.”.

10 (c) PLANT PATENT GRANT.—Section 163 of title 35,
 11 United States Code, is amended—

12 (1) by striking “In the case” and inserting the
 13 following:

14 “(a) IN GENERAL.—In the case”; and

15 (2) by adding at the end the following:

16 “(b) APPLICATION.—Subsection (a) applies equally
 17 to—

18 “(1) any plant that is essentially derived from
 19 a protected plant, unless the protected plant is an
 20 essentially derived plant; and

21 “(2) any plant that is not clearly distinguish-
 22 able from a protected plant.”.

23 (d) CONFORMING AMENDMENT.—The chapter anal-
 24 ysis for chapter 15 of title 35, United States Code is

1 amended by striking the item relating to section 162 and
 2 inserting the following:

“162. Description, claim, novelty.”.

3 (e) APPLICATION.—The amendments made by this
 4 section apply to—

5 (1) all applications for plant patents filed on or
 6 after the date of enactment of this Act, or pending
 7 on that date; and

8 (2) in the case of the amendments made by
 9 subsection (b), all plant patents in force on the date
 10 of enactment of this Act.

11 **TITLE IV—SPECIALTY CROP** 12 **RESEARCH AND GRANTS**

13 **SEC. 401. TRANSFER OF ADMINISTRATION AND FUNDING** 14 **OF OFFICE OF PEST MANAGEMENT POLICY.**

15 (a) TRANSFER.—The Secretary shall transfer the Of-
 16 fice of Pest Management Policy of the Department of Ag-
 17 riculture from the Agricultural Research Service to the Of-
 18 fice of the Secretary for administrative and funding pur-
 19 poses.

20 (b) AUTHORIZATION OF APPROPRIATIONS.—There is
 21 authorized to be appropriated to the Secretary for the ac-
 22 tivities of the Office of Pest Management Policy
 23 \$5,000,000 for each fiscal year.

24 **SEC. 402. ADDITIONAL RESEARCH INITIATIVES.**

25 (a) METHYL BROMIDE ALTERNATIVES.—

1 (1) AUTHORIZATION.—

2 (A) IN GENERAL.—The Secretary shall—

3 (i) elevate the priority of methyl bro-
4 mide alternative research and extension ac-
5 tivities in effect on the date of enactment
6 of this Act; and

7 (ii) reexamine the risks and benefits
8 of extending the phase-out deadline in ef-
9 fect on the date of the enactment of this
10 Act.

11 (B) REQUIREMENTS.—Any alternative pes-
12 ticide to methyl bromide shall include—

13 (i) the estimated cost to the grower or
14 processor associated with the alternative
15 pesticide; and

16 (ii) how that cost is likely to relate to
17 international trade, especially in competi-
18 tion with countries not prohibited from
19 using methyl bromide.

20 (2) AUTHORIZATION OF APPROPRIATIONS.—

21 There is authorized to be appropriated to carry out
22 this subsection \$5,000,000.

23 (b) QUANTIFICATION OF CLEAN AIR BENEFITS.—

24 (1) AUTHORIZATION.—The Secretary, acting
25 through the Economic Research Service, shall quan-

1 tify the clean air benefits of the specialty crop indus-
2 try in relation to urban sprawl.

3 (2) AUTHORIZATION OF APPROPRIATIONS.—

4 There is authorized to be appropriated to carry out
5 this subsection \$5,000,000.

6 (c) ENHANCING QUALITY OF FRESH PRODUCE.—

7 (1) AUTHORIZATION.—The Secretary, acting
8 through the Agriculture Research Service and Coop-
9 erative State Research, Education, and Extension
10 Service, shall conduct preharvest and postharvest re-
11 search specifically targeted to maintain and enhance
12 the quality of fresh produce, including taste and ap-
13 pearance.

14 (2) AUTHORIZATION OF APPROPRIATIONS.—

15 There is authorized to be appropriated to carry out
16 this subsection \$1,000,000.

17 (d) NEW CROP PROTECTION TOOLS.—

18 (1) AUTHORIZATION.—The Secretary shall con-
19 duct research to develop cost effective and effica-
20 cious new crop protection tools and integrated pest
21 management systems to address the loss of key pes-
22 ticides through the implementation of the amend-
23 ments made by the Food Quality Protection Act of
24 1996 (7 U.S.C. 136 et seq.) and related laws (in-
25 cluding regulations).

1 (2) AUTHORIZATION OF APPROPRIATIONS.—

2 There is authorized to be appropriated to carry out
3 this subsection \$1,000,000.

4 **SEC. 403. NATIONAL SPECIALTY CROPS DEVELOPMENT INI-**
5 **TIATIVE GRANT PROGRAM.**

6 (a) IN GENERAL.—The Secretary, acting through in-
7 tegrated competitive grant programs administered by the
8 Cooperative Research, Education, and Extension Service,
9 shall use \$30,000,000 of funds of the Commodity Credit
10 Corporation for each of fiscal years 2005 through 2009
11 to support the National Specialty Crop Development Ini-
12 tiative, a long-term program to improve efficiency and
13 competitiveness of specialty crop producers in the world
14 marketplace.

15 (b) USE OF FUNDS.—The Secretary, acting through
16 the Agricultural Research Service and the Cooperative Re-
17 search, Education, and Extension Service, working jointly
18 with industry, shall use an appropriate amount of funds
19 described in subsection (a) to organize workshops to de-
20 velop a comprehensive strategic plan to address short-
21 term, intermediate-term, and long-term needs in produc-
22 tion technology, marketing, product development, and food
23 safety issues essential to maintain a competitive specialty
24 crop industry.

1 **TITLE V—INVASIVE PEST RE-**
2 **SEARCH AND DISEASE RE-**
3 **SPONSE**

4 **SEC. 501. FOREIGN INVASIVE PESTS AND DISEASES.**

5 (a) IN GENERAL.—The Secretary may conduct spe-
6 cific research—

7 (1) to identify and prioritize the harmful eco-
8 nomic and health impact of foreign invasive pests
9 and diseases threatening the United States; and

10 (2) to develop corresponding eradication and
11 control programs.

12 (b) AUTHORIZATION OF APPROPRIATIONS.—There is
13 authorized to be appropriated to carry out this section
14 \$1,000,000.

15 **SEC. 502. EMERGENCY RESPONSE FUND.**

16 (a) ESTABLISHMENT.—There is established in the
17 Treasury of the United States a revolving fund, to be
18 known as the “Invasive Pest and Disease Response Fund”
19 (referred to in this section as the “Fund”), consisting of—

20 (1) such amounts as may be appropriated to
21 the Fund; and

22 (2) any proceeds received by the Secretary as
23 reimbursement for services provided by the Sec-
24 retary using amounts in the Fund.

1 (b) AVAILABILITY.—Amounts in the Fund shall re-
 2 main available until expended.

3 (c) USE OF FUND.—On request by the Secretary, the
 4 Secretary of the Treasury shall transfer from the Fund
 5 to the Secretary of Agriculture such amounts as the Sec-
 6 retary determines are necessary to support emergency
 7 eradication and research activities of the Animal and
 8 Plant Health Inspection Service in response to economic
 9 and health threats posed by invasive pests and disease to
 10 agricultural commodities.

11 (d) AUTHORIZATION OF APPROPRIATIONS.—There
 12 are authorized to be appropriated to the Fund such funds
 13 as may be necessary to achieve a balance in the Fund of
 14 \$75,000,000 on October 1 of each fiscal year.

15 **SEC. 503. INDEPENDENT SCIENTIFIC ADVICE FOR ANIMAL**
 16 **AND PLANT HEALTH INSPECTION SERVICE.**

17 (a) FINDING.—Congress finds that the decision proc-
 18 ess at the Animal and Plant Health Inspection Service
 19 with respect to requests to import specialty crops into the
 20 United States, or export specialty crops from the United
 21 States, would have greater credibility if the scientific anal-
 22 ysis underlying the requests was subject to independent
 23 scientific peer review.

24 (b) PEER REVIEW PROCESS.—

1 (1) IN GENERAL.—The Secretary, acting
2 through the Administrator of the Animal and Plant
3 Health Inspection Service, shall establish a process
4 to obtain independent advice and peer review on the
5 scientific and technical aspects of requests to import
6 specialty crops into the United States or export spe-
7 cialty crops from the United States, including the
8 preparation of risk assessments and the design of
9 mitigation measures.

10 (2) INITIATION.—The independent review proc-
11 ess shall be initiated at the request of the Adminis-
12 trator.

13 (c) QUALIFICATIONS.—Each person who participates
14 in an independent scientific review panel under this sec-
15 tion shall be qualified by education, training, and experi-
16 ence to evaluate scientific and technical information on
17 matters subject to review.

18 (d) REVIEW REQUIRED.—The Administrator shall
19 request an independent review of the scientific and tech-
20 nical work product data that are used in connection with
21 policy guidance on, or in support of, a decision on—

22 (1) any situation in which there has been a re-
23 quest to export a specialty crop grown in the United
24 States to another country;

1 (2) establishment of the appropriate level of
2 protection or level of negligible risk that will be ap-
3 plicable to the consideration of a request for ap-
4 proval to import a specialty crop from another coun-
5 try;

6 (3) consideration of the type (qualitative or
7 quantitative) of risk assessment to conduct with re-
8 spect to a request for approval for the importation
9 of a specialty crop into the United States;

10 (4)(A) the sufficiency, type, and quality of data
11 that should be submitted to the Administrator in
12 conjunction with a request to import a specialty crop
13 into the United States and to merit preparation of
14 a risk assessment; and

15 (B) following preparation of a risk assessment,
16 a review of—

17 (i) the risk assessment, including the as-
18 sumptions and interpretation of the data used;
19 and

20 (ii) the mitigation measures designed to
21 address the plant pest and disease issues rel-
22 evant to the request; or

23 (5) situations in which the Animal and Plant
24 Health Inspection Service is considering permitting
25 an import from a country where—

1 (A) multiple plant pests are present in the
2 growing regions;

3 (B) both plant pests and plant diseases are
4 present in the growing regions; or

5 (C) new information or developments have
6 become known which cast doubt on the sci-
7 entific basis of previous decisions.

8 (e) REVIEW PROCESS.—

9 (1) IN GENERAL.—To facilitate review under
10 this section, the Administrator shall make available
11 to the review panel all of the scientific and technical
12 information in the possession of the Animal and
13 Plant Health Inspection Service that is relevant to
14 the matter to be reviewed.

15 (2) ADVICE AND COMMENTS.—Not later than a
16 date specified by the Administrator, the panel shall
17 make available to the Administrator—

18 (A) advice and comments on the adequacy
19 of the scientific and technical basis of the pro-
20 posed action; and

21 (B) any pertinent information in the pos-
22 session of the panel.

23 (f) USE OF TECHNICAL AND SCIENTIFIC CAPABILI-
24 TIES OF FEDERAL AGENCIES.—In preparing advice and
25 comments under subsection (e)(2)(A), a review panel may

1 make use of the technical and scientific capabilities of any
 2 Federal agency having relevant expertise.

3 (g) COMMITTEES AND INVESTIGATIVE PANELS.—
 4 The Administrator may establish such committees and
 5 panels as are necessary to carry out this section.

6 (h) AUTHORIZATION OF APPROPRIATIONS.—There
 7 are authorized to be appropriated such funds as are nec-
 8 essary to carry out this section.

9 **SEC. 504. FOOD SAFETY INITIATIVES.**

10 (a) INITIATIVE AUTHORIZED.—The Secretary may
 11 carry out a food safety education program to educate the
 12 public and persons in the fresh produce industry about—

13 (1) scientifically proven practices for reducing
 14 microbial pathogens on fresh produce; and

15 (2) methods of reducing the threat of cross-con-
 16 tamination of fresh produce through unsanitary han-
 17 dling practices.

18 (b) COOPERATION.—The Secretary may carry out the
 19 education program in cooperation with public and private
 20 partners.

21 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
 22 authorized to be appropriated to the Secretary to carry
 23 out this section \$1,000,000.

TITLE VI—CONSERVATION

SEC. 601. ELIMINATION OF LIMITATION ON ADJUSTED GROSS INCOME FROM ELIGIBILITY REQUIRE- MENTS FOR ENVIRONMENTAL QUALITY IN- CENTIVES PROGRAM.

Section 1001D(b)(2)(C) of the Food Security Act of 1985 (7 U.S.C. 1308–3a(b)(2)(C)) is amended by inserting “(other than the program under chapter 4 of subtitle D of that title)” after “of this Act”.

SEC. 602. SUSTAINABILITY PRACTICES.

(a) ENCOURAGEMENT OF VOLUNTARY SUSTAINABILITY PRACTICES GUIDELINES.—In administering this Act and the amendments made by this Act, the Secretary shall encourage the development of voluntary sustainable practices guidelines for producers and processors of specialty crops, including provisions that—

(1) enhance producer-to-producer and processor-to-processor education about—

(A) the importance of sustainable practices; and

(B) how self-governance will enhance the economic viability and future of the specialty crop community; and

(2) demonstrate that working closely with neighbors, communities, and other stakeholders to

1 maintain an open dialogue can address concerns, en-
2 hance mutual respect, and accelerate results.

3 (b) PRIORITY IN ELIGIBILITY FOR CONSERVATION
4 PROGRAMS.—In establishing eligibility for participation in
5 conservation programs administered by the Secretary, the
6 Secretary may give priority to specialty crop producers
7 that follow the sustainability guidelines.

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